

CHINESE EXCLUSION ACT.

LETTER

FROM

THE ATTORNEY-GENERAL,

TRANSMITTING,

*Pursuant to House resolution, information relating to instructions issued to United States attorneys, marshals, and other officers of the Department of Justice as to the enforcement of the act of May 5, 1892, together with the number arrested and ordered deported under such act.*

SEPTEMBER 25, 1893.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE,  
Washington, D. C., September 23, 1893.

Sir: I have the honor to acknowledge the receipt of the resolution of the House of Representatives requesting me to communicate to the House such instructions as have been forwarded to United States district attorneys, marshals, and other officers of the Department of Justice, relating to the enforcement of the act of May 5, 1892, known as the Chinese exclusion act, together with the number arrested and ordered deported under such act.

Paper A is copy of general letter of instructions issued by this Department on May 4, 1893.

Paper B annexed, is copy of circular of Secretary of the Treasury referred to in paper A.

No other general letter of instructions respecting the subject referred to, to district attorneys and marshals, has been issued by this Department.

May 24, 1893, the Secretary of the Treasury issued a circular to collectors, copy of which is herewith annexed, marked C.

In response to letters of inquiry, from various district attorneys and marshals, made since May 4, 1893, this Department has from time to time stated that the instructions given by the general letter of May 4 were to be construed as applicable solely to the sixth section of the act of May 5, 1892, and that in concurrence with the directions given by the Secretary of the Treasury in his circular of May 24, 1893, all the provisions of law relating to the arrest and prosecution of Chinese laborers who were unable to show that they had been lawfully admitted into the United States were to be vigorously enforced.

September 2, 1893, after a conference with the Secretary of the Treasury and in consequence of representations made to the Treasury Department and to this Department respecting certain proceedings in San Francisco, a telegram was sent to United States Attorney Garter, copy of which is hereto annexed, marked D.

The order of the United States circuit court for the southern district of New York, referred to in the telegram of September 2, is shown by a paper hereto annexed, marked E.

By letter of September 9, 1893, the Secretary of the Treasury informed me that there was available to defray expenses for the arrest and deportation of Chinese found to be unlawfully within the United States under the provisions of the sixth section of the act of May 5, 1892, the sum of \$25,000. On the same date, it appearing that Mr. Justice Ross, United States district judge for the southern district of California, had ruled that the court would issue warrants for the arrest of Chinamen under section 6 of the act of May 5, 1892, upon the complaint of private individuals, the following telegram was sent to the United States marshals for the northern and southern districts of California:

Instructions heretofore given do not apply to warrants of arrest of Chinamen under section 6 of Geary act issued by a court, which are to be executed by yourself and deputies in the ordinary course. Deportation orders in such cases are also to be executed to the extent of available funds. Amount being small, report at once number of cases in your district in which court warrants have been applied for or granted.

September 11, 1893, in answer to inquiry by United States marshal for the southern district of California, relating to Chinamen in his custody under sentence of deportation for being found without certificates of residence, in contravention of the provisions of the sixth section of the act of May 5, 1892, the following telegram was sent:

Understand that in cases referred to writs of habeas corpus have been applied for and denied and appeals taken. If so, Chinamen can not be deported, but must remain in custody pending appeals. Consult district attorney and see Supreme Court rule one hundred seventeen United States, seven hundred eight.

The number of Chinese arrested and ordered deported under the act of May 5, 1892, has not been furnished to this Department by the marshals of the various districts throughout the United States, and consequently can not be given.

In reply to the telegram of September 9, 1893, Marshal Long, of the northern district of California, reported the issuing of 4 warrants of arrest. September 15, Marshal Gard, of the southern district of California, reported that 62 warrants had been issued under the Geary act, that 45 arrests had been made, and that 20 Chinese had been sentenced to be deported. September 20, Marshal Long telegraphed that one Chinaman had been ordered to be deported.

This statement, with accompanying exhibits, is not, and is not to be, taken as embracing every letter or telegram on the subject referred to which an exhaustive search through the files would show to have been sent in response to inquiries from a district attorney or marshal, but it faithfully and fully represents what has been done by this Department in the matter to which the resolution relates, and gives, I think, all the information intended to be called for by it.

Very respectfully,

RICHARD OLNEY,  
*Attorney-General.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

## A.

DEPARTMENT OF JUSTICE,  
Washington, D. C., May 4, 1893.

UNITED STATES ATTORNEY :

In accordance with circular of the Treasury Department to all collectors, dated April 14, 1893, and another circular of this date addressed to collectors of internal revenue, collectors of customs, and all customs officials, copies of which will be sent you, you are advised to defer proceedings under act of May 5, 1892, except under order of court, until necessary arrangements for the arrest, imprisonment, and deportation of persons accused can be perfected, of which due notice will be given you. Communicate this telegram to the United States marshal within your district.

OLNEY,  
Attorney-General.

## B.

[Circular.]

## EXCLUSION OF CHINESE.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., May 4, 1893.

To collectors of internal revenue, collectors of customs, and all other customs officials of the United States :

The time within which Chinese laborers are required by the act of May 5, 1892, to procure certificates of residence will expire on the 5th day of the present month, and it is evident from the partial reports made to this Department by the collectors of internal revenue that in some of the States and Territories large numbers of such persons have failed or refused to make application as required by the law, but until complete reports are received the names and residences of those who have registered and procured certificates, and who are therefore exempt from arrest, can not be officially known.

Collectors of internal revenue, and collectors of customs, and all other customs officials of the United States are therefore instructed to refrain from making arrests under the provisions of the sixth section of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," until further orders and instructions from this Department.

J. G. CARLISLE,  
Secretary.

## C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, May 24, 1893.

SIR: By Department circular, dated the 4th instant, officers of this Department were instructed to refrain from making arrests under the provisions of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," until otherwise directed. This order remains in force so far as it applies to Chinese persons who have failed to obtain certificates of residence under the provisions of the sixth section of said act, but who otherwise would have a right to remain in the United States.

It is known, however, that great numbers of Chinese laborers have entered the United States in violation of the provisions of the act approved May 6, 1882, as amended by the act approved July 5, 1884, and of the act approved October 1, 1888. Many of these persons have obtained admission upon false representations that they were not laborers but merchants, and others have entered clandestinely from contiguous foreign territory.

Inviting your attention to the first, second, third, fourth, and fifth sections of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," which continued in force the provisions of the previous acts prohibiting the coming into this country of Chinese laborers, and provide for the trial, imprisonment, and deportation of such persons who under said laws are found to be not lawfully entitled to remain in the United States, you are directed to use all the means under your control to vigorously enforce said pro-

## CHINESE EXCLUSION ACT.

visions of law and to take such measures as may be necessary to secure the arrest and prosecution of Chinese laborers who are unable to show that they have obtained lawful admission into the United States.

Respectfully, yours,

J. G. CARLISLE,  
*Secretary.*

COLLECTOR OF CUSTOMS.

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D.

[Telegram.]

DEPARTMENT OF JUSTICE,  
*Washington, D. C., September 2, 1893.*

U. S. ATTORNEY GARTER,  
*San Francisco, Cal.:*

I am advised by the Secretary of the Treasury that there are no funds to execute Geary law so far as same provides for deportation of Chinamen who have not procured certificates of residence. On that state of facts circuit court of United States for southern district of New York made following order:

*"Ordered, That [blank] be and he hereby is discharged from the custody of the marshal and ordered to be deported from the United States whenever provision for such deportation shall be made by the proper authorities."*

Ask court to make similar order in like cases.

OLNEY,  
*Attorney-General.*

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E.

In the matter of the arrest and deportation of Ny Look, a Chinese laborer.

Ny Look, a Chinese laborer, having been arrested in the city of New York on the 24th day of May, 1893, and brought before me, a United States judge, by John W. Jacobus, the marshal of the United States in and for the southern district of New York, as being a Chinese laborer found within the jurisdiction of the United States after the expiration of one year from the passage of the act of Congress approved on the 5th day of May, 1892, and entitled "An act to prohibit the coming of Chinese persons into the United States," without having the certificate of residence required by said act, and it appearing that no provision is made by the act of May 5, 1892, or by any of the acts thereby extended, as to the manner or means by which such Chinamen found without a certificate of residence and therefore not lawfully entitled to be or remain in the United States shall be removed therefrom, and it appearing that no person is appointed by said acts to execute any order which may be made for the deportation of Chinamen,

Now, on motion of Maxwell Evarts, the attorney for the said Ny Look, it is—

*Ordered, That the said Ny Look be, and he hereby is, discharged from the custody of said marshal, and ordered to be deported from the United States whenever provision for such deportation shall be made by proper authority.*

May 24, 1893.

E. HENRY LACOMBE.

A copy.  
[SEAL.]

JOHN A. SHILAS,  
*Clerk.*